

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBBIE AUTERY and SHANE FULMER

Plaintiffs,

V.

KEVIN DAVIS in his official capacity
as Sheriff of Chilton County, Alabama,
and individually,

Defendant.

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) CIVIL CASE No. 2:08-CV-41-WC
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FIRST AMENDMENT TO ANSWER TO THE COMPLAINT

COMES NOW the Defendant Kevin Davis in his official capacity as Sheriff of Chilton County, Alabama, and individually, and amends his Answer to the Complaint to add the following defenses:

Defendant adopts and incorporates by reference his Answer previously filed on February 12, 2008.

FORTY-EIGHTH DEFENSE

Defendant pleads the unconstitutionality of the “Act” in that it violates the notice and publication provisions of Article IV § 106 of the Constitution of Alabama, 1901.

/s/ C. Winston Sheehan, Jr.
C. WINSTON SHEEHAN, JR. (ASB-0613-A57-C)
Attorney for Defendant, Kevin Davis

/s/ Allison Alford Ingram
ALLISON ALFORD INGRAM
Attorney for Defendant, Kevin Davis

/s/ John W. Marsh

JOHN W. MARSH

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2008, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. William E. Rutledge

Hon. Gregory F. Yaghmai

RUTLEDGE & YAGHMAI

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Hon. Troy King

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/s/ C. Winston Sheehan, Jr.

OF COUNSEL

/s/ Allison Alford Ingram

OF COUNSEL

/s/ John W. Marsh

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